UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
 SHIA WERZBERGER, :
 Plaintiff, :
 :
 v. :
 :
 EQUIFAX INFORMATION SERVICES, LLC, :
 EXPERIAN INFORMATION SOLUTIONS, :
 INC., and AMERICAN HONDA FINANCE :
 CORPORATION, doing business as Honda :
 Financial Services, :
 Defendants. :
 -----x

ORDER OF DISMISSAL

22 CV 5243 (VB)

The Court has been advised that plaintiff and defendant Equifax Information Services, LLC, have settled this matter. (Doc. # 25). Accordingly, it is hereby ORDERED that this action is dismissed against defendant Equifax Information Services, LLC, only, without costs, and without prejudice to the right to restore the action against defendant Equifax Information Services, LLC, to the Court's calendar, provided the application to restore the action is made by no later than November 9, 2022. To be clear, any application to restore the action against Equifax Information Services, LLC, must be filed by November 9, 2022, and any application to restore the action against Equifax Information Services, LLC, filed thereafter may be denied solely on the basis that it is untimely.

The two remaining defendants in this case, Experian Information Solutions, Inc., and American Honda Finance Corporation (the "Defaulting Defendants"), were served with the summons and complaint on June 30, 2022. (Docs. ##12-13). Accordingly, the Defaulting Defendants had until July 21, 2022, to respond to the complaint. See Fed. R. Civ. P. 12(a)(1)(A)(i).

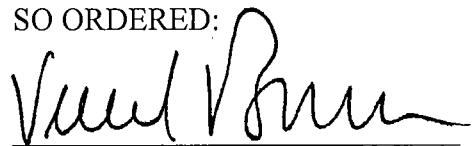
To date, neither Defaulting Defendant has appeared in this action nor answered, moved, or otherwise responded to the complaint.

Accordingly, provided that the Defaulting Defendants remain in default, plaintiff is ORDERED to seek a certificate of default for each Defaulting Defendant by September 23, 2022, and thereafter to move, by order to show cause and in accordance with the Court's Individual Practices, for default judgment against each Defaulting Defendant by October 7, 2022. If plaintiff fails to satisfy either deadline, the Court may dismiss the case without prejudice for failure to prosecute or failure to comply with court orders. Fed. R. Civ. P. 41(b).

The Clerk is instructed to terminate Equifax Information Services, LLC, as a defendant in this case.

Dated: September 9, 2022
White Plains, NY

SO ORDERED:



Vincent L. Briccetti
United States District Judge